

EXPLANATORY STATEMENT

Issued by authority of the Assistant Minister for Immigration

Migration Regulations 1994

Migration (Specification of Language Tests, Test Scores and Passports) Instrument 2025

This instrument, departmental reference LIN 25/016, is made under the following provisions of the *Migration Regulations 1994* (the Regulations):

- paragraphs 1.15B(1)(a) and 1.15B(1)(c);
- subregulation 1.15B(2);
- paragraphs 1.15C(1)(a) and 1.15C(1)(c);
- subregulation 1.15C(2);
- paragraphs 1.15D(a) and 1.15D(c); and
- paragraphs 1.15EA(a) and 1.15EA(c).

This instrument repeals the *Migration Regulations 1994 - Specification of Language Tests, Score and Passports 2015 - IMMI 15/005* (IMMI 15/005) in accordance with subsection 33(3) of the *Acts Interpretation Act 1901* (the Acts Interpretation Act). That subsection provides that a power to make a legislative instrument includes a power to amend or repeal that instrument in the same manner, and subject to the same conditions, as the power to make the instrument.

The Instrument commences on 7 August 2025. It is a legislative instrument for the purposes of the *Legislation Act 2003* (the Legislation Act).

Background

The *Migration Regulations 1994 - Specification of Language Tests, Score and Passports 2015 – IMMI 15/005* (IMMI 15/005) commenced on 11 December 2014.

That instrument was made under regulations 1.15B, 1.15C, 1.15D, 1.15E and 1.15EA of the Regulations. Regulation 1.15E was subsequently repealed.

Regulation 1.15B

Subregulation 1.15B(1) of the Regulations provides that a person has ***vocational English*** if (see paragraphs 1.15B(1)(a) – (c)):

- the person undertook a language test, specified by the Minister in an instrument in writing for paragraph 1.15B(1)(a); and
- the person is an applicant for a visa; and
- for a person who was invited by the Minister under the Regulations, in writing, to apply for the visa — the test was conducted in the 3 years immediately before the date of the invitation; and
- for a person to whom paragraph 1.15B(1)(ba) does not apply — the test was conducted in the 3 years immediately before the day on which the application was made; and
- the person achieved a minimum test score required, for each of the English test components, specified in the instrument.

Subregulation 1.15B(2) of the Regulations provides that a person has **vocational English** if the person holds a passport of a type specified by the Minister in an instrument in writing for subregulation 1.15B(2).

The term **passport** is defined in subsection 5(1) of the *Migration Act 1958* (the Act).

Regulations 1.15C

Subregulation 1.15C(1) of the Regulations provides that a person has **competent English** if (see paragraphs 1.15C(1)(a) – (c)):

- the person undertook a language test, specified by the Minister in an instrument in writing for paragraph 1.15C(1)(a); and
- the person is an applicant for a visa; and
- for a person who was invited (or whose spouse or de facto partner was invited) by the Minister under these Regulations, in writing, to apply for the visa — the test was conducted in the 3 years immediately before the date of the invitation; and
- for a person to whom paragraph 1.15C(1)(ba) does not apply — the test was conducted in the 3 years immediately before the day on which the application was made; and
- the person achieved a minimum test score required, for each of the English test components, specified in the instrument.

Subregulation 1.15C(2) of the Regulations provides that a person also has **competent English** if the person holds a passport of a type specified by the Minister in an instrument in writing for subregulation 1.15C(2).

The terms de facto partner, spouse and passport are defined in subsection 5(1) of the Act.

Regulation 1.15D

Regulation 1.15D of the Regulations provides that a person has **proficient English** if (see paragraphs 1.15D(a) – (c)):

- the person undertook a language test, specified by the Minister in an instrument in writing for paragraph 1.15D(a); and
- the person is an applicant for a visa; and
- the test was conducted in the 3 years immediately before the day on which the Minister invited the person under these Regulations, in writing, to apply for the visa; and
- the person achieved a test score specified in the instrument.

Regulation 1.15E as amended by the Migration Amendment Regulation 2012 (No. 2)

Former regulation 1.15E of the Regulations prescribed the definition for ‘concessional competent English’. This former provision was repealed by item 15 of Schedule 2 to the *Migration Amendment Regulation 2012 (No. 2)* (F2012L01105), which commenced on 1 July 2013. This means that regulation 1.15E only applies to visa applications made before 1 July 2013.

Where relevant, regulation 1.15E of the Regulations is kept in force by item 102 of Schedule 13 to the Regulations.

Regulation 1.15EA

Regulation 1.15EA of the Regulations provides that a person has **superior English** if (see paragraphs 1.15EA (a) – (c)):

- the person undertook a language test, specified by the Minister in an instrument in writing for paragraph 1.15EA(a); and
- the person is an applicant for a visa; and
- the test was conducted in the 3 years immediately before the day on which the Minister invited the person under these Regulations, in writing, to apply for the visa; and
- the person achieved a test score specified in the instrument.

IMMI 15/005 operated to specify the English language tests, required scores and passports of a specified type which could be used as proof of English language proficiency.

Purpose

The *Migration (Specification of Language Tests, Test Scores and Passports) Instrument 2025* (this instrument) is made under the following provisions of the Regulations:

- paragraphs 1.15B(1)(a) and 1.15B(1)(c);
- subregulation 1.15B(2);
- paragraphs 1.15C(1)(a) and 1.15C(1)(c);
- subregulation 1.15C(2);
- paragraphs 1.15D(a) and 1.15D(c); and
- paragraphs 1.15EA(a) and 1.15EA(c).

This instrument operates to specify English language proficiency and related test scores which are used to establish this proficiency. It also specifies valid passports of citizens of listed countries that may be used as proof of English language proficiency.

This includes specifying educational experience and results obtained as a consequence of sitting specific English language tests which include the following:

- Cambridge Advanced Test (C1 Advanced);
- Canadian English Language Proficiency Index Program General (CELPIP General);
- International English Language Test System (IELTS) Academic (IELTS Academic);
- International English Language Test System (IELTS) General Training (IELTS General Training);
- LANGUAGECERT Academic Test (LANGUAGECERT Academic);
- Michigan English Test (MET);
- Occupational English Test (OET);
- Pearson Test of English Academic (PTE Academic); and
- Test of English as a Foreign Language internet-Based Test (TOEFL iBT).

The intent of this instrument is to update the above mentioned English language tests and scores for Australian visas in accordance with the outcome of the Department's Request for Expression of Interest (REOI) process, that commenced in July 2022. Through that REOI process, this instrument

also specifies a change of the test providers, to give effect to new Deeds of Agreement (Deeds) between the Department and those new providers.

Consultation

External consultation was undertaken throughout the REOI process by the Department with key departmental committees and industry bodies such as the Education Visa Consultative Committee (EVCC), Australian Health Practitioner Regulation Agency (AHPRA), Law Council of Australia (LCA) and Migration Institute of Australia (MIA). English language test providers were consulted on, and confirmed accuracy of, the English language test names and scores set out in this instrument. This consultation accords with the consultation requirements in section 17 of the Legislation Act.

Parliamentary scrutiny etc.

The instrument is exempt from disallowance under section 42 of the Legislation Act. This is because the instrument is made under Part 1 of the Regulations, which is prescribed in sub-item 20(b) of the table in section 10 of the *Legislation (Exemptions and Other Matters) Regulation 2015*. As the instrument is exempt from disallowance, a Statement of Compatibility with Human Rights is not required.

Details of the instrument

Part 1 - Preliminary

Section 1 of Part 1 of the instrument sets out the name of this instrument.

Section 2 of Part 1 of the instrument provides for the commencement of this instrument on 7 August 2025.

Section 3 of Part 1 of the instrument provides for the instrument being made under the following provisions of the *Migration Regulations 1994* (the Regulations):

- paragraphs 1.15B(1)(a) and 1.15B(1)(c);
- subregulation 1.15B(2);
- paragraphs 1.15C(1)(a) and 1.15C(1)(c);
- subregulation 1.15C(2);
- paragraphs 1.15D(a) and 1.15D(c); and
- paragraphs 1.15EA(a) and 1.15EA(c).

Section 4 of this instrument sets out definitions of terms used in this instrument. This section provides for the following definitions:

- ***Act*** means the *Migration Act 1958*.
- ***CI Advanced*** means the Cambridge Advanced Test.
- ***CELPIP*** means the General Canadian English Language Proficiency Index Program General.
- ***English test components*** means all of the following:
 - (a) listening;
 - (b) reading;
 - (c) speaking; and
 - (d) writing.
- ***IELTS Academic*** means the International English Language Test System (IELTS) Academic.
- ***IELTS General Training*** means the International English Language Test System (IELTS) General Training.
- ***LANGUAGECERT Academic*** means the LANGUAGECERT Academic Test.
- ***MET*** means the Michigan English Test.
- ***OET*** means the Occupational English Test.
- ***PTE Academic*** means the Pearson Test of English Academic.
- ***Regulations*** means the *Migration Regulations 1994*.
- ***TOEFL iBT*** means the Test of English as a Foreign Language internet-Based Test.

Section 5 of this instrument provides that each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in each Schedule to this instrument and any other item in a Schedule to this instrument has effect according to its terms.

Part 2 – Specification of English requirements

Specification of Vocational English requirements

Section 6 of this instrument sets out the Vocational English requirements that are specified and recognised as prescribed evidence of English language proficiency as follows:

- For paragraph 1.15B(1)(a) of the Regulations, the language tests in columns 2 to 9 of the table in Schedule 2 to the instrument are specified (see subsection 6(1) of this instrument).
- For paragraph 1.15B(1)(c) of the Regulations, the test scores in item 1 of columns 2 to 9 of the table in Schedule 2 to the instrument are specified (see subsection 6(2) of this instrument).
- For paragraph 1.15B(1)(c) of the Regulations, the test scores in item 1 of columns 2 to 9 of the table in Schedule 2 are the minimum test scores required for each of the English test components (see subsection 6(3) of this instrument).
- For subregulation 1.15B(2) of the Regulations, a valid passport issued by one of the countries to a citizen of that country are specified in an item of the table in Schedule 3 to the instrument (see subsection 6(4) of this instrument).

The note under subsection 6(3) of the instrument provides that the C1 Advanced test in column 1 of the table in Schedule 2 to this instrument is excluded from the specified Vocational English requirements.

Specification of competent English requirements

Section 7 of the instrument provides that sets out the Competent English requirements that are specified and recognised as prescribed evidence of English language proficiency as follows:

- For paragraph 1.15C(1)(a) of the Regulations, the language tests in columns 1 to 9 of the table in Schedule 2 to the instrument are specified (see subsection 7(1) of this instrument).
- For paragraph 1.15C(1)(c) of the Regulations, the test scores in item 2 of, columns 1 to 9 of the table in Schedule 2 to the instrument are specified (see subsection 7(2) of this instrument).
- For paragraph 1.15C(1)(c) of the Regulations, the test scores in item 2 of columns 1 to 9 of the table in Schedule 2 are the minimum test scores required for each of the English test components (see subsection 7(3) of this instrument).
- For subregulation 1.15C(2) of the Regulations, a valid passport issued by one of the countries to a citizen of that country are specified in an item of the table in Schedule 3 to the instrument (see subsection 7(4) of this instrument).

Specification of proficient English requirements

Section 8 of Part 2 of the instrument provides that sets out the Proficient English requirements that are specified and recognised as prescribed evidence of English language proficiency as follows:

- For paragraph 1.15D(a) of the Regulations, the language tests in columns 1 to 9 of the table in Schedule 2 to the instrument are specified (see subsection 8(1) of this instrument).
- For paragraph 1.15D(c) of the Regulations, the test scores in item 3 of columns 1 to 9 of the table in Schedule 2 to the instrument are specified (see subsection 8(2) of this instrument).
- For paragraph 1.15D(c) of the Regulations, the test scores in item 3 of columns 1 to 9 of the table in Schedule 2 are the minimum test scores required for each of the English test components (see subsection 8(3) of this instrument).

Specification of superior English requirements

Section 9 of the instrument provides that sets out the Superior English requirements that are specified and recognised as prescribed evidence of English language proficiency as follows:

- For paragraph 1.15EA(a) of the Regulations, the language tests in columns 1 to 5 and 7 to 9 of the table in Schedule 2 to the instrument are specified (see subsection 9(1) of this instrument).
- For paragraph 1.15EA(c) to the Regulations, the test scores in item 4 of columns 1 to 5 and 7 to 9 of the table in Schedule 2 to the instrument are specified (see subsection 9(2) of this instrument).
- For paragraph 1.15EA(c) to the Regulations, the test scores in item 4 of columns 1 to 5 and 7 to 9 of the table in Schedule 2 are the minimum test scores required for each of the English test components (see subsection 9(3) of this instrument).

The note under subsection 9(3) of this instrument provides that the MET test in column 6 of the table in Schedule 2 to this instrument is excluded from the specified Superior English requirements.

Section 10 of this instrument provides for the specified evidence of English language proficiency, where a test was undertaken before the commencement of this instrument.

Subsection 10(1) of this instrument provides for the purposes of the following provisions of the Regulations (see paragraphs 10(1)(a) – (h) of the instrument):

- paragraphs 1.15B(1)(a) and 1.15B(1)(c);
- subregulation 1.15B(2);
- paragraphs 1.15C(1)(a) and 1.15C(1)(c);
- subregulation 1.15C(2);
- paragraphs 1.15D(a) and 1.15D(c); and
- paragraphs 1.15EA(a) and 1.15EA(c);
- the requirements in subsections 10(2) to (9) of the instrument (below) are specified and recognised as prescribed evidence of English language proficiency for a person who:
- makes a visa application on or after the day this instrument commences; and
- where the person has undertaken a test specified in subsection 10(2), (4), (6) or (8) of the instrument (below), and where the test was undertaken:
 - in the period of 36 months immediately before the day on which the visa application is made (see paragraphs 10(1)(g)(i) – (ii) of the instrument); and
 - before the day on which this instruments commences; and
- where the person achieved the necessary test score specified in subsection 10(3), (5), (7) or (9) of the instrument (below).

Vocational English

Subsection 10(2) of this instrument provides that for paragraph 1.15B(1)(a) of the Regulations (above), a person undertook one of the following specified language tests (see paragraphs 10(2)(a) – (e) of this instrument):

- an International English Language Test System (IELTS) test; or
- an Occupational English Test (OET); or
- a Test of English as a Foreign Language internet-based Test (TOEFL iBT); or
- a Pearson Test of English Academic (PTE Academic); or
- a Cambridge English: Advanced (CAE) test (also known as Certificate in Advanced English).

Subsection 10(3) of this instrument provides that for paragraph 1.15B(1)(c) of the Regulations (above), the person achieved one of the specified test scores (see paragraphs 10(3)(a) – (e) of this instrument):

- an IELTS test score of at least 5 in each of the four test components of listening, reading, writing and speaking; or
- an OET test score of at least B in each of the four test components of listening, reading, writing and speaking; or
- a TOEFL iBT test score with at least the following scores in the four test components: 4 for listening, 4 for reading, 14 for writing and 14 for speaking; or
- a PTE Academic test score of at least 36 in each of the four test components of listening, reading, writing and speaking; or
- a Cambridge English: Advanced (CAE) test score of at least 154 in each of the four test components of listening, reading, writing and speaking.

Competent English

Subsection 10(4) of this instrument provides that for paragraph 1.15C(1)(a) of the Regulations, the person achieve one of the specified test scores (see paragraphs 10(4)(a) – (e) of this instrument):

- an International English Language Test System (IELTS) test; or
- an Occupational English Test (OET); or
- a Test of English as a Foreign Language internet-based Test (TOEFL iBT); or
- a Pearson Test of English Academic (PTE Academic); or
- a Cambridge English: Advanced (CAE) test (also known as Certificate in Advanced English).

Subsection 10(5) of this instrument provides that for paragraph 1.15C(1)(c) of the Regulations, the person achieve one of the specified test scores (see paragraphs 10(5)(a) – (e) of this instrument):

- an IELTS test score of at least 6 in each of the four test components of listening, reading, writing and speaking; or
- an OET test score of at least B in each of the four test components of listening, reading, writing and speaking; or
- a TOEFL iBT test score with at least the following scores in the four test components: 12 for listening, 13 for reading, 21 for writing and 18 for speaking; or
- a PTE Academic test score of at least 50 in each of the four test components of listening, reading, writing and speaking; or

- a Cambridge English: Advanced (CAE) test score of at least 169 in each of the four test components of listening, reading writing and speaking.

Proficient English

Subsection 10(6) of this instrument provides that for paragraph 1.15D(a) of the Regulations (above), the person achieve one of the specified test scores (see paragraphs 10(6)(a) – (e) of this instrument):

- an International English Language Test System (IELTS) test; or
- an Occupational English Test (OET); or
- a Test of English as a Foreign Language internet-based Test (TOEFL iBT); or
- a Pearson Test of English Academic (PTE Academic); or
- a Cambridge English: Advanced (CAE) test (also known as Certificate in Advanced English).

Subsection 10(7) of this instrument provides that for paragraph 1.15D(c) of the Regulations (above), the person achieve one of the specified test scores (see paragraphs 10(7)(a) – (e) of this instrument):

- an IELTS test score of at least 7 in each of the four test components of listening, reading, writing and speaking; or
- an OET test score of at least B in each of the four test components of listening, reading, writing and speaking; or
- a TOEFL iBT test score with at least the following scores in the four test components: 24 for listening, 24 for reading, 27 for writing and 23 for speaking; or
- a PTE Academic test score of at least 65 in each of the four test components of listening, reading, writing and speaking; or
- a Cambridge English: Advanced (CAE) test score of at least 185 in each of the four test components of listening, reading, writing and speaking.

Superior English

Subsection 10(8) of this instrument provides that for paragraph 1.15EA(a) of the Regulations (above), the person achieve one of the specified test scores (see paragraphs 10(8)(a) – (e) of this instrument):

- an International English Language Test System (IELTS) test; or
- an Occupational English Test (OET); or
- a Test of English as a Foreign Language internet-based Test (TOEFL iBT); or
- a Pearson Test of English Academic (PTE Academic); or
- a Cambridge English: Advanced (CAE) test (also known as Certificate in Advanced English).

Subsection 10(9) of this instrument provides that for paragraph 1.15EA(c) of the Regulations (above), the person achieve one of the specified test scores (see paragraphs 10(9)(a) – (e) of this instrument):

- an IELTS test score of at least 8 in each of the four test components of listening, reading, writing and speaking; or
- an OET test score of at least A in each of the four test components of listening, reading, writing and speaking; or
- a TOEFL iBT test score with at least the following scores in the four test components: 28 for listening, 29 for reading, 30 for writing and 26 for speaking; or

- a PTE Academic test score of at least 79 in each of the four test components of listening, reading, writing and speaking; or
- a Cambridge English: Advanced (CAE) test score of at least 200 in each of the four test components of listening, reading, writing and speaking.

The effect of section 10 of this instrument is that a person will be determined to possess the necessary English language proficiency for the purposes of regulations 1.15B, 1.15C, 1.15D or 1.15EA of the Regulations, where:

- that person makes a visa application on or after 7 August 2025; and
- that person has undertaken one of the tests specified in subsection 10(2), (4), (6) or (8) of the instrument; and
- that test was undertaken during the period 5 August 2024 and 6 August 2028 (inclusive); and
- that person provides the necessary evidence of having achieved the necessary score in the specified test in subsection 10(3), (5), (7) or (9) of the instrument.

Part 3 – Application Provision

Section 11 of this instrument provides that this instrument applies (see paragraphs 11(a) – (b) of this instrument):

- for the purposes of a visa application made on or after the day on which this instrument commences; or
- for the purposes of the Regulations in relation to the following English language proficiency requirements (see paragraphs 11(a) – (b) of this instrument):
 - vocational English; or
 - competent English; or
 - proficient English; or
 - superior English.

The effect of section 11 of this instrument is that an application will be assessed against the requirements of section 6, 7, 8 or 9 of this instrument where that application was made on or after 7 August 2025 in accordance with the following requirements for English language proficiency within the Regulations:

- vocational English; or
- competent English; or
- proficient English; or
- superior English.

Schedule 1 – Repeals

Item 1 of Schedule 1 to this instrument repeals the *Migration Regulations 1994 - Specification of Language Tests, Score and Passports 2015 - IMMI 15/005* in its entirety.

Schedule 2 – Specified language tests and test scores

Schedule 2 to this instrument provides for the specified language tests and test scores for the purposes of subsections 6(1)-(3), 7(1)-(3), 8(1)-(3) or 9(1)-(3) of this instrument.

Schedule 3 – Specified Passports

Schedule 3 to this instrument provides for the specified passports for the purposes of subsections 6(4) or 7(4) of this instrument.